



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

January 18, 2007

CBCA 487-RELO

In the Matter of GARY G. MARTIN

Gary G. Martin, Boiling Springs, PA, Claimant.

Christina Witt, Office of Financial Services, Federal Aviation Administration, Oklahoma City, OK, appearing for Department of Transportation.

BORWICK, Board Judge.

Claimant, an employee of the Federal Aviation Administration (FAA), agency, contests the agency's disallowance of en-route travel expenses incurred during claimant's permanent change of station. The agency reimbursed claimant for his lodging and meals and incidental expenses (M&IE) at the standard Continental United States (CONUS) daily rate. The agency reimbursed claimant for authorized use of his privately owned vehicle (POV) at a rate of \$.15 per mile. Since use of both rates is required by the agency's FAA Travel Policy (FAATP) manual, which serves as the governing regulation for agency employees' travel entitlements, the agency acted correctly. The Board denies the claim.

Background

On or about July 18, 2006, the agency transferred claimant in the interest of the Government from Scottsdale, Arizona, to Washington, D.C. Among other benefits, the agency authorized claimant to travel to his new duty station by POV, reimbursable at \$.15 per mile, and granted sixty days of temporary quarters subsistence expense (TQSE) reimbursement.

Claimant started the travel to his new duty station on August 20 and arrived in the Washington, D.C., area on September 5, at which time he entered into temporary quarters. Claimant took annual leave from August 26 through September 4, before entering into temporary quarters. For his en-route travel, claimant spent \$721.03 in lodging and subsistence. On August 20, claimant submitted vouchers totaling \$1105.13 for the \$721.03 expense, \$351.60 for 2344 miles traveled by POV, and \$32.50 for tolls and automatic teller machine fees. Claimant also sought reimbursement of \$2970 for TQSE. The agency disallowed \$222.76 of the claimed expense for en-route travel because the daily amounts claimed exceed the maximum daily entitlement of \$99, i.e., a maximum of \$60 per day for lodging and \$39 per day for M&IE.

Claimant filed a claim at the Board, contesting the agency's disallowance. Claimant maintains that of the four nights lodging for which claimant incurred en-route travel expenses, only one room was available at a \$60 per night rate. Claimant also says that recent increases in the price of gasoline made the \$.15 per mile reimbursement for use of his POV unrealistic. Claimant seeks an additional \$223.72 for his fuel costs while on en-route travel.

Discussion

Agency regulation establishes \$.15 as the mileage rate for an individual employee's authorized use of a POV. FAATP Manual 302-20.104 (2006). Regulation also establishes the daily rate for en-route relocation travel as the standard CONUS rate, i.e. a maximum of \$60 per night lodging and \$39 for M&IE. *Id.* 302-20.203. The agency's reimbursement of en-route travel follows the lodgings-plus per diem system of the Federal Travel Regulation and the Department of Defense Joint Travel Regulations.

In this instance, the agency's reimbursement was in accord with the FAATP Manual. The agency correctly calculated claimant's entitlement for use of his POV and his reimbursement entitlement for en-route travel lodging and M&IE expenses. We are not at liberty to waive the reimbursement rates set by regulation. *See John W. Castellani*, GSBCA 15428, 01-2 BCA ¶ 31,515. Although the reimbursement rate of \$.15 per mile for POV use seems low in light of today's gasoline prices exceeding \$2.40 per gallon, the reasonableness of the rate is a matter for the agency's travel policy officials, not this Board. The Board denies the claim.

ANTHONY S. BORWICK
Board Judge